

Section 401 Water Quality Certifications

The Mississippi Department of Environmental Quality (MDEQ) is committed to:

- the protection of the environment and human health, safety and welfare for Mississippians;
- conserving and improving our environment;
- fostering economic growth through focused research and responsible regulation.

The Water Quality Certification Branch (WQCB) ensures:

- that impacts to surface waters do not violate established water quality standards necessary for the health, safety and welfare of Mississippians and the environment.

U. S. Environmental Protection Agency

The USEPA regulates water quality as directed by:

- Section 10 of the Rivers and Harbors Act, and
- Section 404 of the Clean Water Act.

Regulatory authority of these Sections has been delegated to the U. S. Army Corps of Engineers (COE) for the discharge of dredged and fill materials to waters of the United States.

Section 401 of the Clean Water Act requires that:

- each State evaluate a proposed project

- the water quality criteria, established by that State, will not be violated during the course of the proposed project.
- the COE provides the applicable State with a copy of the proposed project information for review and comment.
- a COE discharge permit cannot be issued for a project that does not meet State water quality criteria.

U. S. Army Corps of Engineers

Mississippi is divided into 4 COE Districts, as follows:

- Memphis District
901-544-3471
- Mobile District
251-690-2658
- Nashville District
615-369-7500
- Vicksburg District
601-631-5276

More information regarding the COE Districts can be found on the web at <http://www.usace.army.mil>.

Wetland Determinations

The COE is responsible for providing an official determination regarding the presence of wetlands and the need for a COE Permit.

The branches of the MDEQ Environmental Permits Division (EPD) can determine if the presence of wetlands is possible.

An engineering or wetland consultant can provide a complete study regarding the presence of wetlands within the project area.

The consultant can offer technical information to you and the COE regarding:

- Hydrology: the properties and circulation of water on and below the ground surface;
- Hydric Soils: soils characterized by having or requiring a large amount of moisture;
- Hydrophytic vegetation: plant life growing in water or that is periodically deficient in oxygen because of too much water.

All three of these items must be present to have an area defined as a wetland.



Pitcher plant in Pine Savannah wetlands in D'Iberville, Harrison County.

Permitting Process

Step 1:

Application is received and determined complete by the COE.

Step 2:

A 30 day public notice is issued for the proposed project. In some instances, a 15-day public notice is allowed.

Step 3:

Comments from the public, state and federal agencies are received during the comment period.

Step 4:

A decision whether or not to hold a public hearing is made.

Yes: Issue 30-day notice of hearing

No: MDEQ issues determination followed by COE permit action. If MDEQ does not issue certification, COE cannot issue permit.

For the three coastal counties, approval is also required from the Mississippi Department of Marine Resources. For more information call 228-374-5000.

Step 5:

Project evaluation is conducted, including all comments received during the public notice and public hearing.

Step 6:

The permit is either approved or denied.

Comments regarding proposed projects are also requested from the U. S. Fish and Wildlife

Service, the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Archives and History.

401 Water Quality Certification Decision Factors

Some of the issues that are considered in evaluating a proposed project include the following:

- Possible project alternatives
- Initial and secondary impacts
- Mitigation options
- Effect on water patterns and movement
- Changes to aquatic ecosystems
- Water quality limits/regulations
- Compliance history of applicant



Bottomland Hardwood/Cypress wetland near Clarksdale, Coahoma County.

For more information contact the Water Quality Certification Branch at 601-961-5171 or Michelle Vinson at **601-961-5040** or Michelle_Vinson@deq.state.ms.us.

Mississippi
Department
of ENVIRONMENTAL
QUALITY

*Water
Quality
Certifications*

*Protection
Conservation
Fostering*

MDEQ *strives to preserve and protect Mississippi's air, land, and water through fair and responsible regulation.*



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